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TRENDS IN POLITICAL REFORM IN TAIWAN

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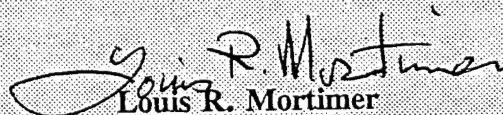
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PREFACE

This study analyzes trends in political reform in Taiwan as an aid in understanding political developments and recent personnel changes in the Kuomintang and the Taiwan government. The study will examine the background of the reforms, the initiation of a political reform program by President Chiang Ching-kuo, and the implementation of the reforms. Analysis of the major trends of the reform program will reveal likely future political developments in Taiwan.

This study uses the Wade-Giles romanization system for transliteration of Chinese words, place names, and most personal names. The information cutoff date is 31 August 1987.

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SUMMARY

By the mid-1980s, Taipei's authoritarian political system faced increasing difficulties in coping with the domestic and international challenges. In 1985, after a series of political and economic crises created an atmosphere of pessimism, President Chiang Ching-kuo began to address some of the pressing problems engendered by Taiwan's political system. Chiang dealt first with the succession question, stating that neither a member of his family nor a member of the military would succeed him. Then, he initiated a political reform program to invigorate and democratize Taiwan's political system. In April 1986, Chiang appointed a Kuomintang (KMT) task force to study the crucial political issues facing Taiwan, the most important of which were the status of martial law and the formation of new political parties. External developments, particularly in the Philippines and the Republic of Korea, added impetus to the need for political reforms.

The earnest implementation of political reform began after two crucial events: the 28 September 1986 founding of the opposition Democratic Progressive Party (DPP), and the 15 October 1986 KMT Central Standing Committee decision to lift martial law and legalize new political parties. After that, the political reform program went through three phases. During the first phase, 15 October 1986 to December 1986, the KMT and the DPP cautiously prepared for the 6 December 1986 national election, which met the political goals of both the KMT and the DPP. The second phase, January to mid-July 1987, witnessed confrontation between the DPP and the KMT over the passage of the National Security Law both in the Legislative Yuan and in the streets, the widening of acceptable political discourse, the rise of right wing political groups, and personnel changes in the KMT. During the third phase, since mid-July 1987, martial law was lifted; the National Security Law was enacted; and the government cautiously began to remove other legal restrictions deemed incompatible with the new phase in Taiwan's political life.

Three major trends--political liberalization, the rise of political pluralism, and institutional revitalization--have evolved since the initiation of the political reform program. Political liberalization is evinced in the revocation of martial law, the restraint of the security authorities, and a broader range of political discussion. The development of political pluralism can be seen in the defacto toleration of new political parties, and a lessening of KMT domination of the political agenda. Also, the government and the KMT have started the task of institutional revitalization and reorganization. This process encompasses personnel policies to promote more native-born Taiwanese and younger, reform-minded officials to key positions in the KMT and the government. In addition, these policies will strengthen the Judicial Yuan, implement local self government, and readjust representation in the Legislative Yuan, Control Yuan, and the National Assembly.

The success of the political reform program depends on Chiang Ching-kuo's longevity, the neutralization of conservative opposition to the reforms, and the KMT's capability to implement a comprehensive and popular reform program.

GLOSSARY

APF	Anti-communist Patriotic Front
CAAC	General Administration of Civil Aviation of China
CAL	China Air Lines
CSC	Central Standing Committee
<u>Chung Kuo Shih Pao</u>	China Times (Taipei)
DPP	Democratic Progressive Party
GIO	Government Information Office
KMT	Kuomintang or Nationalist Party
NPA	National Police Administration
PS	Patriotic Society
TGC	Taiwan Garrison Command
TRAPP	Tangwai Research Association for Public Policy

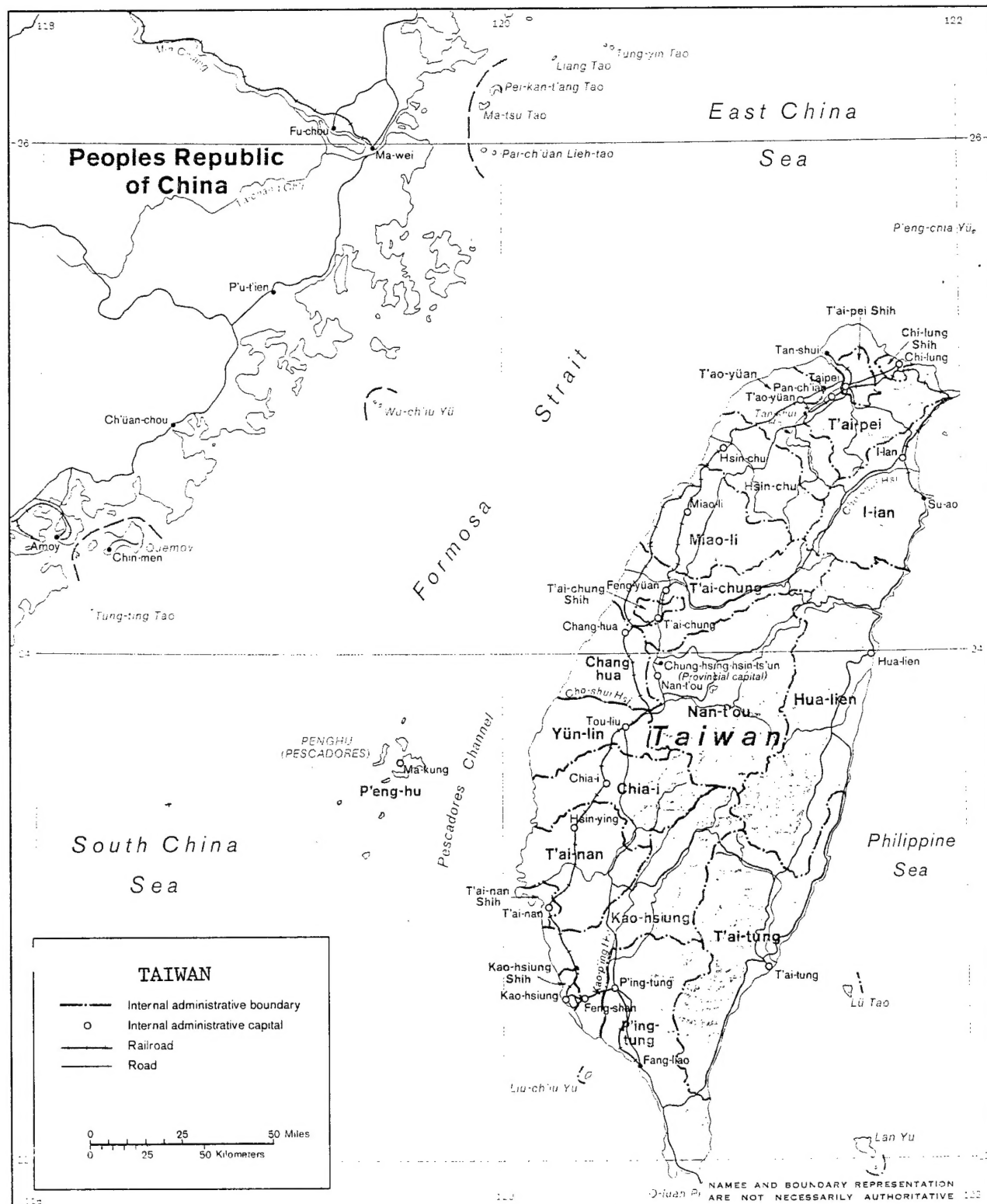


Figure 1. Map of Taiwan

1. INTRODUCTION

Chiang Ching-kuo succeeded his father Chiang Kai-shek as Taiwan's supreme leader in 1975. During his first ten years in office, he mitigated some of the harsher aspects of the Kuomintang's (KMT) authoritarian rule. This authoritarianism had been maintained by the coercion of opponents, domination of the state apparatus, concentration of the power in the hands of the KMT mainlander elite, party penetration into all levels of society, and limits to freedoms of press, speech, and assembly.¹ Chiang Ching-kuo's "soft authoritarianism" tolerated some non-KMT opposition (Tangwai) activities in elections and the press. Chiang continued the harassment of Tangwai activists and the quick repression of what the KMT considered egregious challenges to its authority. KMT and government policies began to favor the appointment of younger, better educated technocrats, or protégés of the younger Chiang rather than older hardliners associated with his father. Also, Chiang intensified the process of Taiwanization (bringing more native-born Taiwanese into the KMT and the government). By promoting more Taiwan natives to higher positions previously held by mainlanders, Chiang thus extended the cooptation of the elite beyond mainlander circles. Nevertheless, a one party dictatorship remained in place. Martial law continued to provide the framework for authoritarian rule. Chiang Ching-kuo retained his almost absolute control over party, government, military, and security apparatus.

By the mid-1980s, however, KMT authoritarianism began losing its vigor. The government and ruling party appeared increasingly unable to cope with international, political, economic, and social challenges. Taiwan was faced with increasing global isolation and a tarnished human rights image, and was further weakened by the changing tenor of Chinese blandishments to reunification and the example of political developments in the Philippines and Republic of Korea. At home, the Taiwan authorities also were confronted with rising public expectations and an intensified political challenge from the Tangwai. After these domestic and international difficulties in 1985 and 1986 exacerbated earlier problems and generated a crisis of confidence in the regime, Chiang Ching-kuo initiated a political reform program designed to invigorate and democratize Taiwan's political system and prepare the polity for an orderly succession.²

Since the onset of the reform program in 1986, political development in Taiwan has moved away from authoritarianism. This development has exhibited three major trends: political liberalization, emergence of political pluralism, and institutional revitalization and reorganization. The authorities have encouraged political liberalization by suspending martial law, restraining the coercive apparatus, and broadening the scope of acceptable political discourse. They have permitted political pluralism to emerge, and have tolerated the formation of two new political parties, the Democratic Progressive Party (DPP) and the China Liberty Party. This last development raises hopes for an end to one party domination of the political agenda. The regime also has begun to tackle the problem of institutional revitalization and reorganization. Revitalization

entails resolving the thorny issue of representation in the central parliamentary bodies, strengthening the Judicial Yuan, implementing local self government, and reforming KMT party structure. In addition, to the regime must continue the process of Taiwanization and promote younger, more liberal technocrats to powerful positions.

Chiang Ching-kuo's political reforms could mark a watershed in Taiwan's political development. The successful evolution from an authoritarian to a democratic political system depends on several key factors. Among these factors are Chiang's state of health; the neutralization of hardliners in the party, military, and security forces uncomfortable with the reforms; and the imagination and capability of Chiang and his supporters to design, implement, and rally popular support for the reforms.

2. BACKGROUND: THE END OF STATUS QUO AUTHORITARIANISM

The year 1985 witnessed the beginning of the end for status quo politics in Taiwan. Despite KMT domination of the political scene, the KMT's prestige was damaged and its competence questioned because of scandals, misfortunes, and poor economic performance. Two events in particular shook public confidence in the KMT administration. The conviction of Vice Admiral Wang Hsi-ling (also the Director of the Ministry of National Defense Intelligence Bureau), Wang's deputy, and two gangsters for the murder of Henry Liu (a Taiwan writer living in the United States who had written an unfavorable biography of Chiang Ching-kuo) shook the Taiwanese. Added to this was the collapse of the Tenth Credit Cooperative and the Cathay Investment and Trust Company. This event sent tremors throughout the financial community. Fifteen officials of the Ministry of Finance were implicated, including the incumbent Minister of Finance, Loh Jen-kang, and his predecessor, Hsu Li-teh.³ As a result, KMT Secretary General Chiang Yen-shih resigned.³ By the year's end, a sense of crisis and pessimism prevailed in the body politic.

Nevertheless, the Tangwai, the loosely-organized non-KMT opposition, was unable to capitalize on the popular discontent with the KMT's political and economic misfortunes. The Tangwai was beset by internecine fighting between moderates and radicals. Lacking either an organization or a positive political program, the Tangwai proved more adept at calumniating the KMT than at increasing its support in the November 1985 local elections. The Tangwai's fractious behavior, organizational weaknesses, and ideological vacuity did not inspire public confidence as a credible alternative to the Nationalists and presaged a poor future for opposition politics under KMT rule.⁴

Despite Taiwan's "economic miracle" and its long years of political stability under the KMT, a climate of pessimism permeated the domestic scene. Several major unanswered questions underlay this pessimism: Who would succeed Chiang Ching-kuo? What would the power structure be after the departure of Chiang? What role would the Tangwai have in the new situation? How would the post-Chiang regime affect Taiwan's domestic viability and international



Figure 2. "Put' em Up, KMT": The Tangwai Challenges the Kuomintang

Source: C.L. Chiou. "Politics of Alienation and Polarization: Taiwan's Tangwai in the 1980s." Bulletin of Concerned Asian Scholars (Cambridge, MA), vol. 18, no. 3, July-September 1986, pp. 16-28.

prospects? Furthermore, the public's increased political sophistication, especially the burgeoning, well-educated middle class, brought rising expectations for governmental competence, improved economic performance, and broader political participation. These factors, combined with the disturbing scandals and misfortunes of 1985, served notice that politics as usual could not continue.

In this atmosphere of negativism, President Chiang Ching-kuo delivered his 1985 Constitution Day (25 December) speech, and addressed the succession question. Chiang stated that the next president of the Republic of China would be elected in accordance with the Constitution; that no member of his family would run for the next presidency; and that the country would not be governed by the military.⁵ Chiang's address indicated his awareness of public concerns about the political future and set the stage for the introduction of a major program of political reform.

3. THE INITIATION OF THE POLITICAL REFORM PROGRAM

Chiang Ching-kuo's 25 December 1985 speech raised expectations that the March 1986 Third Plenum of the KMT Central Standing Committee would resolve the succession issue at least in part. Although Chiang did not name a successor, the newly elected Central Standing Committee (CSC) reflected the slow but ongoing process of Taiwanization of the power structure. The CSC rank of Taiwanese Vice President Lee Teng-hui rose from tenth place to third. According to the constitution, Lee, as vice president, would succeed to the Presidency should anything happen to Chiang Ching-kuo. Two of the four new CSC members were Taiwanese, raising their representation in this body to 45 percent, up from approximately 25 percent five years previously. In addition, the reconstituted CSC included younger and better educated members, with fewer military figures and no Chiang family members.⁶ These leadership changes represented a continuation of past KMT personnel policies. After the Third Plenum, however, Chiang Ching-kuo set his political reform program in motion by naming a 12-person CSC task force in April 1986 to study crucial political issues facing Taiwan. The task force, established to implement the resolutions of the Third Plenum, examined six areas for reform: (1) lifting martial law; (2) legalizing new political parties; (3) strengthening local self-government; (4) revitalizing central parliamentary institutions; (5) reorganizing the KMT party apparatus; and (6) formulating measures to address social issues, including rising crime and declining social morals.⁷ Of these six issues, the first two were considered the most important.

Martial law, in force since 19 May 1949, provided the legal and institutional framework for suppression of dissent, limitation of political discourse, and intrusion of military and security authorities into society. Although some aspects of martial law were lightly enforced, since the early 1980s the "emergency decree" (the legal decree justifying martial law) had come under increasing domestic and international criticism. Taiwan's image abroad as a model of development was tarnished by martial law. Martial law also banned

the formation of new political parties. The KMT's reconsideration of this ban stemmed in part from the KMT's ideological commitment to implementing democracy on Taiwan. A more important impetus to legalization of additional political parties came from the Tangwai. Despite internal disunity and other problems, the opposition consistently won approximately 30 percent of the popular vote--much of it a protest vote against the KMT--in elections. Because the Tangwai lacked an organization, and because of Taiwan's electoral system that favored the KMT, the Tangwai's substantial popular vote never translated into proportional representation in the Legislative Yuan and National Assembly. Tangwai efforts to translate this voting strength into electoral victories focused on the formation of the Tangwai Research Association for Public Policy (TRAPP). TRAPP was organized in May 1984 and was illegal under martial law. In the spring of 1986 TRAPP sought in the spring of 1986 to establish branch offices throughout the island as a prelude to the formation of new political parties.

The first public sign that Chiang Ching-kuo was seriously considering political reforms came in the late spring of 1986. In May, the KMT announced that it was studying political reforms, and opened a channel of communication to the Tangwai. As the result of the first of three KMT-Tangwai meetings, the authorities permitted TRAPP to open branches throughout Taiwan and refrained from taking measures against this technically illegal political body.⁸ In June, Chiang named Wang Tao-yuan, a civilian lawyer with a military background, as Minister of National Defense, and Chiang Wei-kuo, his half-brother, as Chairman of the National Security Council. These personnel changes, and the appointment of Chiang's son, Chiang Hsiao-wu, as deputy chief of the Taiwan trade mission in Singapore, reinforced Chiang's previous statements that neither a family member nor a member of the military would succeed him. By making a gesture to civilian control of the military and removing his son from the locus of power, Chiang indicated his support for a constitutional succession.⁹

External events in spring 1986 also enhanced the perception that Chiang Ching-kuo was becoming more flexible politically. China became a member of the Asian Development Bank. Taiwan retained its membership, even though it insisted on retaining the name Republic of China and refused to attend further meetings. In May, when a China Airlines (CAL) pilot defected to the mainland, Chiang permitted CAL officials to negotiate with the General Administration of Civil Aviation of China (CAAC) for the return of the CAL Boeing 747 and its two other crew members. Taiwan authorities claimed that the government agreed to negotiations solely on humanitarian grounds, and that this step did not violate the "three nos" policy of "no contact, no negotiations, no compromise" with the Chinese Communists.¹⁰ Neither event represented a radical change in Taiwan's position, but together they indicated Taiwan's willingness to move away from the previously inflexible policies that had brought about international isolation.

Other external events--principally political turmoil in the Philippines and the Republic of Korea--also influenced the course of

political reforms.¹¹ The political demise of Ferdinand Marcos and the election of Corazon Aquino as president of the Philippines, as well as the ongoing confrontation between the Chon Tu-hwan government and the South Korean opposition warned KMT powerholders and inspired Tangwai activists. Government officials denied any similarities between their domestic situation and events abroad, and warned the opposition against imitating their foreign counterparts. Nevertheless, given the widespread Taiwan press coverage of the upheavals in the Philippines and South Korea, these developments served as a lesson to KMT authorities, and Chiang in particular.

If Tangwai activists were heartened by the sustained domestic public interest in Philippine and South Korean political developments, the events also pressured the Tangwai to intensify their efforts to organize a political party. With the approach of the December 1986 National Assembly and Legislative Yuan elections, many Tangwai politicians felt that their supporters expected the opposition to form a new party. At the same time, considerable disagreement existed within the Tangwai as to compromising with the KMT over the issue of TRAPP. Although the Tangwai and the KMT had agreed in May to permit the opening of TRAPP branches across Taiwan, negotiations with the KMT over the registration of TRAPP (which would permit de facto legalization of this Tangwai group) broke down in June. Attempts to organize further discussions failed after repeated Tangwai postponements of meetings. The authorities did not move directly against the technically illegal TRAPP. Nevertheless, harassment of the Tangwai continued in the form of libel lawsuits by KMT figures against Tangwai politicians. In response, the opposition organized a series of rallies and street marches protesting the 18-month jail sentence for libel against Taipei City Councilman Lin Cheng-chieh. These demonstrations drew large crowds and encouraged Tangwai unity and determination to organize.¹²

By mid-September, political development in Taiwan had reached an impasse. Chiang Ching-kuo's political reform program faced conservative KMT opposition and was being formulated by the 12-person CSC task force. Although the Tangwai pressure on the KMT to democratize the political system had significantly increased, Tangwai organizational efforts still showed paltry results. With the KMT's manipulation of the legal system to punish its critics, the Tangwai's resort to street demonstrations, and the failure of the KMT-Tangwai communications channel to effect a compromise, the potential for a confrontation was building. Two events in late September and October 1986 broke this stalemate: the formation of the Democratic Progressive Party (DPP) and Chiang Ching-kuo's subsequent decision to lift martial law and legalize political parties.

The establishment of the DPP was an unexpected move on the part of the opposition. Although the Tangwai had taken some preliminary steps--such as the opening of TRAPP branches--toward the creation of a new party, the sudden decision stemmed from the forthcoming elections and the harassment of opposition politicians. On 28 September 1986, 135 Tangwai activists, meeting to select

election candidates, announced the formation of the DPP. The establishment of the new, illegal party caught the authorities off guard and a challenge to the KMT. The only previous attempt to form a political party in Taiwan occurred in 1960, when liberal democrats, led by Lei Chen, established the Chinese Democratic Party. The authorities swiftly suppressed the group. Lei and his supporters, convicted of treason under martial law, were sentenced to long prison terms.¹³ Faced with a similar threat to its authority, the government declared the DPP illegal and prepared to take measures against it.¹⁴

Chiang Ching-kuo effectively defused the DPP's challenge by deciding to abolish martial law and to permit the establishment of new political parties. Chiang first revealed his decision in a 7 October 1986 interview with the Washington Post. His decision was made official at a 15 October 1986 CSC meeting, which passed two resolutions on the key elements of the political reform. These resolutions stipulated the enactment of a national security law upon revoking martial law, and the legalization of new political parties by revising the law on civic organizations.¹⁵ Furthermore, Chiang restrained the security apparatus from dissolving the new party and prosecuting its members.

The events of early October 1986 marked a turning point in Taiwan's political development. Chiang Ching-kuo had indicated that henceforth political reforms would be implemented in Taiwan and that he was prepared to push through his program despite opposition from KMT hardliners. What remained to be seen was the scope and pace of the reform implementation.

4. IMPLEMENTATION OF POLITICAL REFORM

Since 15 October 1986, the implementation of Taiwan's political reform program has gone through three distinct phases. During the first phase, from mid-October through December 1986, both the authorities and the DPP were cautious in their preparations for the 6 December 1986 National Assembly and Legislative Yuan elections. The election was the first in Taiwan's history with a creditable opposition party. The second phase, from January through mid-July 1987, saw the debate and passage of the National Security Law; the further development of the DPP's politics of confrontation in the Legislative Yuan and in the streets; the reopening of the KMT-DPP communications channel; and personnel changes in the KMT and in the government. This period also witnessed the widening of the scope of acceptable political debate and the emergence of extreme right-wing groups as a political force. During the third phase, beginning in mid-July 1987, martial law was lifted, the National Security Law was enacted, and the KMT attempted to reap the political benefits of revoking the emergency decree both by stressing its accomplishments in political reform and by cautiously acting to remove other legal restrictions deemed incompatible with Taiwan's new stage of political life.



Figure 3. DPP Legislator Kang Ning-hsiang

Source: Far Eastern Economic Review (Hong Kong), 14 May 1987, p. 27



Figure 4. DPP Party Chairman Chiang Peng-chien Addresses DPP Central Committee Meeting

Source: Far Eastern Economic Review (Hong Kong), 14 May 1987, p. 24.

a. Phase One: Mid-October to December 1986

The first phase of reform witnessed the de facto legalization of the DPP and the campaign for the 6 December 1986 national elections. During this period, the authorities attempted to circumscribe DPP behavior by constantly decrying the new party's illegality while simultaneously setting conditions for establishing new political parties. The government repeatedly admonished the DPP not to advance beyond preparatory party organization. At the same time, Chiang Ching-kuo prescribed three criteria for new political parties: support for the constitution, opposition to communism, and rejection of Taiwan independence. Nevertheless, in contrast to its rhetoric that illegal political parties would be prosecuted, the authorities continued to tolerate the existence of the DPP.¹⁶

On its part, the DPP established its organization and provided an ambiguous response to the KMT's three conditions. On 10 November 1986, the DPP held its first National Party Congress, adopted a party charter and a party platform, and elected Chiang Peng-chien (David P.C. Chiang) as party chairman. The party program did not further clarify the DPP's response to the three criteria. In October, the DPP had stated that it respected the constitution and would not cooperate with any political party favoring violent revolution. The DPP further stated that Taiwan should distinguish itself from the Chinese Communists by strictly abiding by the constitution and by practicing true constitutional democracy. The DPP party platform reaffirmed this stance by stressing the full implementation of constitutional rule and opposition to "one-party Communist rule and any form of totalitarianism." On the subject of Taiwan independence, the DPP platform, citing the principle of self-determination, called for Taiwan's future to be decided by Taiwan's entire population. The new party phrased its response to reproach the KMT's record on the constitution and anticommunism while sidestepping the issue of Taiwan independence by using the codeword "self-determination." Thus the DPP finessed meeting the three conditions for new political parties by adroitly using language that nominally satisfied KMT requirements yet avoiding KMT terminology that would have alienated its supporters.¹⁷

After the three criteria had been settled by government toleration and DPP wordplay, the reforms were tested by the attempted return of exiled Tangwai radical, Hsu Hsin-liang. Hsu's popularity posed a challenge to both the DPP and the KMT. The government, which had a warrant for Hsu's arrest for sedition, did not wish to arrest Hsu on the eve of the elections, for fear that such an action would adversely affect the KMT's performance. The DPP wanted to avoid the taint of having a violent advocate of Taiwan independence campaign for the DPP; it avoided not publicly asking Hsu not to return because of his popularity. The authorities' strategy was to deny Hsu entry to Taiwan, while the DPP felt obliged to gather supporters to greet Hsu at the airport. The government succeeded in preventing Hsu's entry, but violence between police and DPP supporters ensued. The KMT tried to capitalize on the violence

by painting the DPP as a threat to social stability. The new party, however, countered by quickly denouncing the violence, cancelling subsequent campaign rallies, and showing videotapes of police throwing rocks and beating DPP supporters.¹⁸

After the brief but raucous campaign, marked by name-calling and vote-buying, the elections proceeded smoothly and successfully for both parties. The KMT won just under 70 percent of the popular vote and 81 percent of the contested seats in the Legislative Yuan and National Assembly. (The National Assembly elects the President and Vice President and amends the constitution. The Legislative Yuan passes laws and approves the budget.) The DPP accounted for approximately 20 percent of the popular vote, doubled its representation to 12 in the Legislative Yuan, and increased its seats from 7 to 11 in the National Assembly. In 1983, the KMT had won 73.1 percent of the popular vote against 16.8 percent for official Tangwai candidates.

Table 1: Results of Taiwan's National Elections, 6 December 1986¹⁹

Legislative Yuan Elections

<u>Party</u>	<u>Seats</u>	<u>% of Vote</u>	<u>% of Seats</u>
KMT	59	69.87	80.82
DPP	12	22.17	16.44
Others	2	7.96	2.74

National Assembly Elections

<u>Party</u>	<u>Seats</u>	<u>% of Vote</u>	<u>% of Seats</u>
KMT	69	68.31	80.95
DPP	11	18.90	13.10
Others	5	12.79	5.95

The election results enabled both the KMT and DPP to claim victory, yet contained lessons for both parties. The KMT's strong showing indicated that despite a slight decline in its popular vote, the party dominated the elections. Liberal reformers Chao Shao-kang and Hung Chao-nan were among the top KMT vote-getters. At the same time, the KMT's unprecedented loss of three seats in the occupational constituencies (seats specially reserved for certain occupations, for example, labor or education) served as a warning against KMT complacency vis-a-vis the DPP. The DPP's performance vindicated those who believed that establishing a party increased its vote totals and thus strengthened its role in election politics. Successful DPP candidates came from both the radical and moderate factions of the party, suggesting that despite the continued popularity of militants associated with the 10 December 1979 Kaohsiung incident, moderates such as Kang Ning-hsiang were making a comeback.²⁰

The 6 December 1986 election represented another milestone in the development of Taiwan's political reform program. The election was the first two-party election in Taiwan's history. The DPP--the Tangwai's successor--had competed with the KMT as a unified (if illegal) political party and was able to increase dramatically its



Figure 5. A DPP Candidate Campaigning for the 6 December 1986 National Election

Source: Asiaweek (Hong Kong), 21-28 December 1986, p. 5.



Figure 6. President Ching-kuo Casts His Ballot in the 6 December 1986 National Election

Source: Asiaweek (Hong Kong), 21-28 December 1986, p. 24.

representation in the Legislative Yuan and National Assembly. Rather than suggesting a protest vote against the KMT or signalling the popularity of individuals outside the KMT, many of the votes that the DPP garnered manifested support for a party opposed to the ruling party. The relatively peaceful election and the results indicated that prospects were good for the evolution of a more pluralistic political system. The strong showing of the KMT strengthened the hand of Chiang Ching-kuo and KMT liberals against conservative elements in the KMT. With its increased electoral support, the DPP prepared itself for a more prominent role in Taiwan's political affairs.

b. Phase Two: January to Mid-July 1987

Events surrounding the debate and passage of the National Security Law were central to the implementation of the reforms. Other developments, however, such as KMT and government personnel changes, indicated Chiang Ching-kuo's determination to broaden the political reform program.

The second stage of reform began with the Executive Yuan's approval of a draft of the National Security Law on 8 January. This draft was a compromise between KMT conservatives, who wished for a much more restrictive bill, and liberal KMT members, who believed that a new law was unnecessary given existing legislation and the move to a more liberal political system. The key provisions of the draft bill reduced the military's power by halting military trials of civilians and ending the military's responsibility for press censorship. The law also incorporated Chiang Ching-kuo's three criteria by stating that neither political parties nor public assemblies could violate the conditions of support for the constitution, anticommunism, and antiseparatism. The draft bill left both liberal and conservative critics dissatisfied, but all expected quick passage by the Legislative Yuan.²¹

Contrary to expectations, the Legislative Yuan became the locus of extensive debate and criticism of the draft National Security Law. DPP legislators led the attack, calling the draft "old wine in new bottles." The opposition legislators maintained that abolition of martial law was sufficient, but the new law would just perpetuate the authorities' repressive powers in a different guise. Liberal KMT legislators, particularly those elected in the December 1986 elections, also criticized the bill for its vague and ambiguous language. These objections prevented early passage of the National Security Law and forced several revisions to make the statute's clauses less restrictive, though they retained some of the limitations of martial law. The revised law continued to enshrine Chiang's three conditions, including the provision against "division of national territory," which the DPP, advocates of "self-determination," believed could be used against itself. The law's ninth article also prevented those convicted under martial law from appealing, thus denying former prisoners, including many opposition activists, their full civil rights. On 23 June 1987, despite a DPP sit-down boycott during the final vote, the Legislative Yuan unanimously passed the National

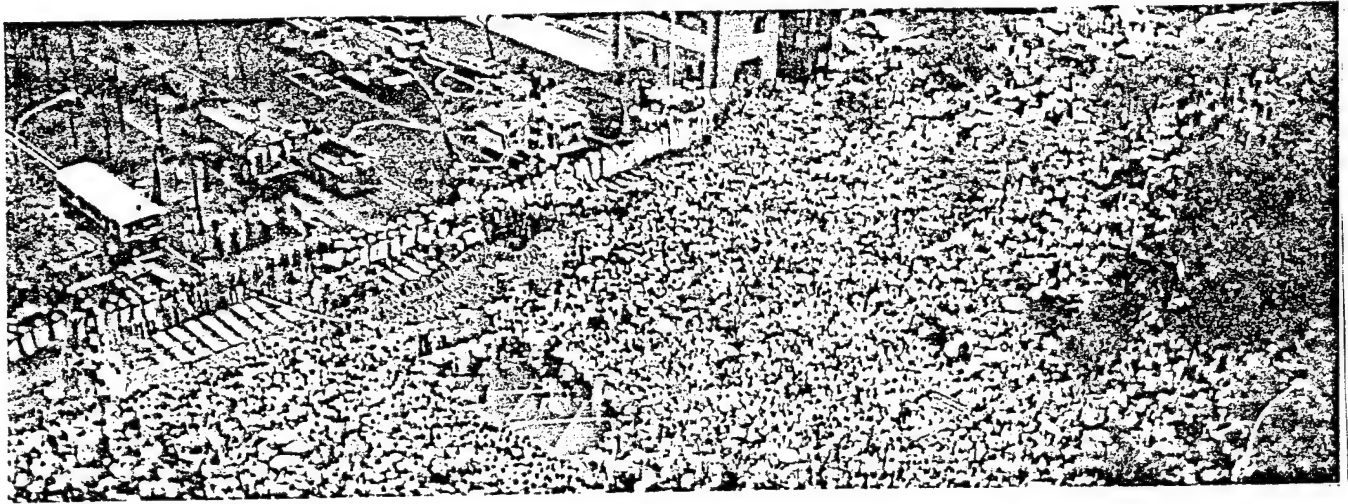


Figure 7. DPP Demonstration Against Martial Law

Source: Asiaweek (Hong Kong), 19 July 1987, p. 27.



Figure 8. Scuffle Between KMT and DPP Legislators in the Legislative Yuan

Source: Asiaweek (Hong Kong), 8 March 1987, p. 15.

Security Law.²² (The text of the National Security Law is included in the Appendix.)

The DPP's boycott of the final vote on the National Security Law represented one of several tactics adopted by the opposition to expand its political influence. Although the DPP combined several Tangwai factions, unity remained elusive as the basic split between moderates, mostly Legislative Yuan members, and "New Movement" militants, including members of the former Writers and Editors Association, resurfaced in the new party. Both groups espoused confrontation with the KMT as a means of garnering popular support and checking KMT power.

Moderates and militants focused their confrontational tactics on martial law and the National Security Law. The moderates chose the Legislative Yuan as their venue, preferring to make the DPP presence felt by interpellations, disruptions of the Legislative Yuan opening session, and boycotts of votes. The DPP legislators (and outspoken KMT liberals) succeeded in breathing new life into an otherwise docile body. Because of their small numbers (13 out of 323), the DPP leaders were unable to prevent passage of the National Security Law. DPP legislators, however, also opened the KMT-DPP communications channel by agreeing to meet with KMT legislators at least once a month to discuss "legislative affairs." Beginning in March 1987, these meetings allowed the DPP to maneuver behind the scenes and to defuse potentially dangerous conflicts between the KMT and the still illegal new party.²³

The militants favored mass action through rallies and street demonstrations to extract concessions from the authorities. The militants, in particular those in the "19 May Green Movement Headquarters," (19 May 1949 was the date martial law was promulgated in Taiwan) pushed through DPP sponsorship of three controversial demonstrations protesting martial law and the National Security Law. The first demonstration, a proposed march to the Presidential Office Building, was scheduled for 19 April, but was cancelled because of government pressure and moderate DPP opposition. The second protest, on 24 May, attracted several thousand DPP supporters and concluded peacefully. The third demonstration, held on 12 June, turned violent when fights broke out between adherents of the DPP and the extreme right-wing Anti-communist Patriotic Front (APF).²⁴

The DPP's tactics of mass confrontation had mixed results for the new party and the development of reforms. By continued use of demonstrations, the DPP hoped to expand the range of permissible political tactics, especially after martial law was lifted. The authorities' generally restrained approach to these demonstrations gave credence to this line of thinking within the DPP. Other aspects of the protests--media and government condemnation of the threat of street marches to social stability, and grumbling by private citizens in Taipei about the massive traffic jams caused by demonstrations--tarnished the DPP's public image and hindered DPP recruitment efforts.

Government toleration of the DPP's confrontational tactics engendered a new element on the political scene--extreme right-

wing political groups. The APF and the Patriotic Society (PS), comprised of rightists dissatisfied with the government's toleration of the DPP and the KMT reform program, became active beginning in late February 1987. The groups were said to be receiving political and financial support from the hardliners in the KMT, military, and security establishments who favored suppression of the DPP. Some APF and PS leaders were KMT members and the two groups said they supported the government, although they denied funding or other support from the regime. The APF in particular has specialized in aggressive counter demonstrations against the DPP, including the 12 June protest that led to APF-DPP clashes. Nevertheless, the right wing groups lacked unity: on 11 July a breakaway faction of the APF announced the formation of a new political party, the China Liberty Party, committed to support the government but not necessarily to confront the DPP.²⁵

Some analysts believe that the authorities have benefited from the APF's confrontations with the DPP because it allows the KMT to remain "above the fray" as the impartial guarantor of social stability.²⁶ The right wing groups, however, introduced some volatility into the political scene counter to the general trend toward moderation exhibited by the KMT and DPP mainstream. The rise of these groups provided a visible indication of conservative opposition to Chiang Ching-kuo's reforms, yet could only have taken place in the more tolerant atmosphere that Chiang encouraged.

The restraint that the regime exhibited toward both the DPP and the right wing groups was paralleled by a widening of acceptable political discourse within the KMT and in the media. In February 1987, Premier Yu Kuo-hua directed the Government Information Office (GIO) to plan to remove restrictions on the granting of new newspaper licenses and on the number of pages that newspapers may publish. The decision to remove the restrictions was seen as a harbinger of government loosening of press controls. Also in February 1987, newspapers covered for the first time the February 28th Incident--the 1947 uprising against KMT mainlander rule--previously a taboo subject in the press and in academe. In April, the progovernment daily Chung Kuo Shih Pao (Taipei), whose publisher Yu Chi-chung sits on the KMT Central Standing Committee, called on the government to allow visits between Taiwan and the Chinese mainland. The newspaper also asked the government to legalize imports from the mainland, including nonpolitical scholarship and literature by mainland Chinese writers. Chung Kuo Shih Pao's stance reflected the views of many KMT liberals, who have become more vocal in criticizing and demanding changes in KMT policies. Typical of these liberals was legislator Chao Shao-kang, the number one vote winner in Taipei in December 1986. Chao has criticized the National Security Law and demanded a review of the KMT's "three no's" policy. Chao has led efforts by younger KMT supplementary (that is, those elected on Taiwan rather than those elected from mainland China in 1947) legislators to revitalize the Legislative Yuan, increase the influence of the supplementary KMT legislators in KMT party politics, and strengthen the role of the Legislative Yuan in political decisionmaking.²⁷

Personnel changes in the KMT and the government, however, only partially accommodated the rising demands for reform by liberal KMT members (see Tables 2 and 3). These appointments reflect Chiang Ching-kuo's cautious, step-by-step approach to the political reform program, as well as his efforts to place younger officials and more Taiwanese into positions of power. Key officials in the top KMT administrative echelons were replaced. The most prominent appointments were three liberals: Li Huan as KMT Central Committee Secretary General, and James Soong and Kao Min-hui as KMT Central Committee Deputy Secretaries General. These three men are expected to consolidate support for Chiang's reforms within the KMT; promote the reforms in public; and formulate and implement reform of the KMT party structure. Li Huan, a close confidant of Chiang, is considered an able administrator of Chiang who will vigorously implement the reform program.²⁸

Table 2: Key KMT Personnel Changes in 1987

<u>Position</u>	<u>New</u>	<u>Former</u>	<u>Date</u>
Secretary General, KMT Central Committee	Li Huan	Ma Shu-li	July
Deputy Secretary General, KMT Central Committee	James Soong	Kuo Che	February
Director, Organization Work Department	Kao Min-hui*	Shao En-hsin	February
Director, Cultural Work Department	Pan Chen-chiu	Sung Shih-suan	February
Director, Social Affairs Department	Raymond Tai	James Soong	February
Director, Youth Affairs Department	Chao Shou-po*	Hsu Ta-lu	February
Director, Taiwan Provin- cial KMT Committee	Huang Kun-hui*	Kao Min-hui*	February
Director, Kaohsiung Municipal KMT Committee	Liu Chao-tien	Kuan Chung	February
Director, China Youth Corps	Huang Shun-teh*	Wu Wan-lan	February
	Li Chung-kuei	Pan Chen-chiu	March

* Taiwanese

Table 3: Key Government Personnel Changes in 1987

<u>Control Yuan Position</u>	<u>New</u>	<u>Former</u>	<u>Date</u>
President	Huang Tsun-chiu*	Yu Chun-hsien	March
Vice President	Ma Kung-chun	Huang Tsun-chiu*	March

Judicial Yuan			
<u>Position</u>	<u>New</u>	<u>Former</u>	<u>Date</u>
President	Lin Yang-kang*	Huang Shao-ku	April
Vice President	Wang Tao-yuan	Hung Shao-nan	April
Executive Yuan			
<u>Position</u>	<u>New</u>	<u>Former</u>	<u>Date</u>
Vice Premier	Lien Chan*	Lin Yang-kang*	April
Minister of Communications	Kuo Nan-hung*	Lien Chan*	April
Minister of Education	Mao Kao-wen	Li Huan	July
Minister of Foreign Affairs	Ding Mou-shih	Chu Fu-sung	April
Minister of National Defense	Cheng Wei-yuan	Wang Tao-yuan	April
Chairman, National Youth Commission	Kuan Chung	Yao Shun	April
Director, Government Information Office	Shaw Yu-ming	Chang King-yuh	April
Chairman, Vocational Assistance Commission for Retired Servicemen	Chang Kuo-ying	Cheng Wei-yuan	April

* Taiwanese

Government personnel changes, however, evince Chiang's concern with maintaining stability in the midst of the reforms. The change of leadership in the Control Yuan was largely symbolic given the lack of power of that body. More important was the change in command at the Judicial Yuan, where the popular and capable Taiwanese politician Lin Yang-kang became president, and lawyer and former Minister of National Defense Wang Tao-yuan became vice president. These two men were charged with the reform of Taiwan's judicial apparatus, which had been widely criticized for unfairness, corruption, and openness to political manipulation. Appointments to the Executive Yuan revealed Chiang's caution because they were not as extensive as many had expected. Unprecedented criticism of Premier Yu Kuo-hua for his lackluster performance and widespread dissatisfaction with the government's economic and financial policies had led many to think that Yu and Minister of Economics Li Ta-hai would be removed, but they remained in office. Replacing former Minister of Foreign Affairs Chu Fu-sung with Ding Mou-shih and former Minister of National Defense Wang Tao-yuan with Cheng Wei-yuan did not change either foreign or defense policy.²⁹



Figure 9. Government Information Office Director Shaw Yu-ming Announces the Abolition of Martial Law

Source: Free China Journal (Taipei), 20 July 1987, p. 1.

c. Phase Three: Mid-July 1987 to 31 August 1987

On 15 July 1987, President Chiang Ching-kuo inaugurated a new stage in Taiwan's political development by revoking martial law and promulgating the new National Security Law. In addition, as a conciliatory gesture, the Ministry of National Defense announced commutation of the sentences and restoration of the civil rights of 237 civilians convicted under martial law. The revocation of the emergency decree was greeted with banner headlines domestically and kudos from the US State Department and human rights critics internationally. Nevertheless, DPP members continued their criticism of the speed and purview of political liberalization, calling the National Security Law unnecessary and demanding the removal of other statutes that stood in the way of full constitutional democracy.³⁰

Since mid-July, the regime has stressed its accomplishments and promised to continue the political reform program. The government's strategy during the post martial law period has been to remove some restrictions thought incompatible with the new era while slowly considering which legal statutes and institutions to reform. This cautious approach has continued to reflect the KMT's concern for social stability (and for maintaining its dominant political position) and the conflict between KMT conservatives and liberals over the implementation of the reforms. Examples of liberalization include actions by KMT Central Committee Secretary General Li Huan to renovate the KMT party structure and the government's decisions to remove foreign exchange controls, to permit direct travel to Hong Kong, and to partially lift the ban on importation of works by mainland Chinese authors.

The cautious approach also was exhibited by the authorities in the draft Assembly and March Law and the draft revision of the Civic Organizations Law. Both drafts incorporated Chiang Ching-kuo's still controversial three criteria (support for the constitution, anticommunism, no division of national territory), and contain stipulations giving the government wide powers to control marches and the formation of new political parties. For example, the draft Assembly and March Law severely restricts the potential location of demonstrations and requires application for assemblies and marches to be submitted to the authorities 14 days in advance. KMT liberals have criticized this bill as too restrictive, and are likely to fight for its revision in the Legislative Yuan.³¹

5. TRENDS IN POLITICAL REFORM

Chiang Ching-kuo's political reform program has initiated three major trends in Taiwan's political evolution: political liberalization, the emergence of political pluralism, and institutional revitalization and reorganization. Thus far, the reforms have moved Taiwan's political system away from authoritarianism, but the political system stops short of being a full constitutional democracy.

a. Political Liberalization

Under the reform program, the authorities have encouraged, or tolerated, political liberalization. Since 1986, political liberalization has encompassed the suspension of martial law, the restraint of the coercive apparatus, and the enlargement of the purview of permissible political discussion. Both the decision to abolish martial law and its actual revocation represented important milestones in Taiwan's political evolution. The 15 October 1986 decision to lift martial law and legalize new political parties indicated Chiang Ching-kuo's determination to implement political reforms over the objections of KMT hardliners. Such actions set the stage for the more liberal atmosphere that evolved during subsequent months. The 15 July 1987 lifting of martial law was more than symbolic. Although the new National Security Law codified some of the restrictive provisions of martial law, the emergency decree's annulment entailed the drastic cutback of military interference in civilian affairs. The Taiwan Garrison Command (TGC), the military organization charged with implementing martial law, lost its authority for prosecuting and punishing civilians, censorship of the press, and control of entry and exit inspections to the Ministry of Justice, the Government Information Office, and the National Police Administration (NPA), respectively. As of 31 August 1987, the Garrison Command had not been abolished, but many of its personnel were being shifted to civilian agencies such as the GIO and the NPA.

The transfer of TGC personnel to nonmilitary agencies implies that the abolition of martial law has meant the civilianization, rather than the further restraint, of the coercive apparatus. Although this transfer of personnel may simply reflect government concern with preventing unemployment, a more likely reason is conservative pressure to retain experienced personnel who will maintain as many of the restrictive practices of KMT rule as possible. The extent to which former TGC personnel take positions of responsibility in these civilian agencies, what percentage of the civilian agencies the former TGC personnel comprise, how long they remain in their new positions, and the degree to which they influence the policies and practices of these agencies in the future can give some indication of the degree to which political liberalization will continue.

Since the initiation of the reforms, Chiang Ching-kuo's restraint of the coercive apparatus has been an integral part of liberalization. The provisions of martial law that previously would have been used to suppress the opposition were ignored. Chiang's orders to security authorities to desist from prosecution of Tangwai activists for forming TRAPP and the DPP, the regime's toleration of the DPP despite its ambiguous position on self-determination, the decision to deny entry to Hsu Hsin-liang rather than arrest him, the toleration of confrontational APF activities, and the formation of the China Liberty Party all would have been unthinkable in 1984.

The revocation of martial law, however, does not mean that the government is without a legal framework with which to restrict

dissent. Taiwan retains various laws that give the government extraordinary powers, including the 1942 General Mobilization Law, the 1948 Temporary Provisions During the Period of Communist Rebellion, and the 1950 Publications Law. The Temporary Provisions, for example, are an amendment to the constitution that permits the president to promulgate emergency measures without regard to the constitution. The Mobilization Law authorized the government to ban strikes and place limitations on freedom of speech and assembly. The Publications Law allows the government to restrict freedom of the press.³² In addition, the draft Assembly and March Law and the revised draft of the Civic Organizations Law contain other restrictions that could be used to suppress opposition. The government has maintained that these provisions are used only in emergencies and are necessary because of the communist threat. Nevertheless, the DPP, some liberal KMT members, and other independent critics argue that such extraordinary powers are inconsistent with the implementation of constitutional democracy that the reforms are intended to promote. The struggle over the revision of these laws and the legal institutionalization of political liberalization will characterize political developments in the post martial law period. Successful elimination of the government's repressive powers and the enactment of laws legalizing political parties on an equal basis with the KMT would indicate the administration's full commitment to political liberalization. Retention of some restrictive measures and stringent conditions imposed on political party formation, however, would suggest that further political liberalization will be limited, with the authorities unwilling to dismantle the security apparatus aimed at coercing domestic political opponents.

Another aspect of political liberalization is the broadening scope of acceptable political discussion. Many topics previously regarded as too sensitive for public debate, such as the abolition of martial law, the February 28th Incident, and the government's "three no's" policy, now are addressed openly in political rallies, the Legislative Yuan, the academic community, and the media. KMT legislators, DPP politicians, APF leaders, and other independent critics have intensified their criticism of the regime's policies or personnel. These attacks have ranged from the unprecedented calls for Premier Yu Kuo-hua to resign to criticism of the government's handling of the rise of the New Taiwan dollar.

Three major factors have shaped the trend toward more open discussion of political issues: the increasing sophistication of the public, pressure from the opposition, and government toleration. Universal education and widespread prosperity have fostered both greater willingness to question the authorities as well as greater openmindedness in society. The public, especially the increasingly politically aware middle class, now is capable of independently assessing the claims of both the KMT and the opposition, and voicing opinions critical of both. The opposition, first as the Tangwai and now as the DPP, has had some success in widening the range of legitimate topics and acceptable tactics in political campaigns. This has been done in Tangwai magazines, in the

Legislative Yuan, and in street demonstrations. Largely because of Chiang Ching-kuo's restraint of the security apparatus, the government has exhibited greater toleration of criticism.

Nevertheless, the government maintains limits on political discourse through the National Security Law's three criteria and in government attempts to include them in draft legislation before the Legislative Yuan. The three conditions remain controversial because of the stipulation against "division of national territory," which the DPP considers allows the authorities to suppress the opposition. Although the KMT does not approve of the DPP's advocacy of "self-determination," which it considers to be a codeword for Taiwan independence, the authorities have refrained from action against the new party. Incorporation of the three criteria into the variety of laws dealing with freedom of speech, press, and assembly, as well as retaining restrictive clauses in the statutes discussed above, again would suggest that the government is avoiding implementing full constitutional democracy.

b. The Emergence of Political Pluralism

The second major trend characterizing Taiwan's political reform program is the appearance of political pluralism. The milestones marking the development of pluralism included the KMT-Tangwai agreement to permit establishment of TRAPP branches, the formation of the DPP, the 6 December 1986 national elections, the appearance of right wing groups as political actors, the creation of the China Liberty Party, and, of course, the abolition of martial law. The maturation of Taiwan's society, opposition pressure, and government toleration were the factors contributing to these developments.

Political pluralism in Taiwan depends on the continuing presence of these and other factors. The DPP will persist in pressuring the KMT; the DPP will continue to target the Civic Organizations Law drafts to revise the restrictions on political parties competing with the KMT. The struggle between the two parties, and between KMT liberals and conservatives, will focus on the three criteria, the numbers of elected officials required before a political group can become a legal political party, and the registration of political parties. The draft law presented by the government requires a political group to have at least 15 elected officials at various levels of government before it may apply to become a political party. This stipulation benefits the KMT, because it makes forming new political parties difficult. Registration of political parties remains a contentious issue. Whether the law will require previously existing legal political parties, namely the KMT, the Young China Party, and the Democratic Socialist Party, to register remains unclear. Requiring all parties to register would symbolize the equal competition of all parties, and would represent a gesture by the ruling party that it is serious about democratization. In contrast, more restrictive stipulations in the law would present obstacles to fair political competition. The restrictive clauses also would preserve the advantages, including the use of legal strictures

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Figure 10. Personalities in the KMT's Reform Program

1. President Chiang Ching-kuo (Asiaweek (Hong Kong), 19 July 1987, p. 27)
2. KMT Secretary General Li Huan (Free China Journal (Taipei), 6 July 1987, p. 1)
3. KMT Deputy Secretary General James Soong (Asiaweek (Hong Kong), 8 March 1987, p. 15)
4. KMT Legislator Chao Shao-kang (Far Eastern Economic Review (Hong Kong), 3 September 1987, p. 16).

to suppress the opposition, inherent in the KMT's dominant political position.

Another statute that helps preserve the KMT's dominance is the Election and Recall Law, currently being revised by the Ministry of the Interior. The Election and Recall Law's provisions severely limit campaign time, methods, and access to the media. As written, the provisions offer substantial advantages to KMT candidates, who benefit from the KMT's organizational strength and media control. Revision of the Election and Recall Law once it reaches the Legislative Yuan will provide another contest between the KMT and the DPP and between KMT conservatives and liberals.

The rise of political pluralism, together with political liberalization, has challenged another aspect of the KMT's dominant political position: the KMT's ability to control Taiwan's political agenda. With fewer political issues and tactics considered taboo, the existence of the DPP and right wing political groups, and the emergence of nonpolitical interest groups, such as the consumer and environmental protection movements, have made the KMT authorities increasingly reactive and defensive. Even previously docile groups such as students and retired mainlander servicemen have challenged government and KMT policies and forced the authorities to reconsider long-standing restrictions on student political activity and the "three no's" policy.³³ Although the government acquiesced to this aspect of political pluralism, it nevertheless has attempted to retain as much control as possible via the three conditions and KMT dominance of the media. The extent to which the government liberalizes press restraints will be a key factor influencing the degree of control the KMT retains over Taiwan's political agenda.

The structure of the political system in the post martial law period is evolving. This evolution will be affected by a factor beyond the influence of the reforms: party unity. As long as Chiang Ching-kuo remains in power, the KMT will be consistent in dealing with the DPP. If no strong individual emerges as KMT leader after Chiang's demise, and if no consensus exists on the reforms and other issues facing the KMT, the possibility of a split between KMT conservatives and liberals exists. The DPP inherited the factionalism of the Tangwai, which, in the absence of a dominant leader, presents a threat to the continued unity and viability of the party. Assuming KMT unity, Taiwan will likely develop a multiparty or one-and-a-half party system. Although the 6 December 1986 national election was Taiwan's first two party election, the emergence of a two party system is less likely. The KMT's organizational muscle and popularity among the more conservative, prosperous parts of the population would present a daunting challenge to any adversary in a fully democratic system. If the DPP remains united, it still is far from dislodging the KMT from power. If factions do not split off from the DPP, a one-and-a-half party system, similar to that in which Japan's Liberal Democratic Party holds power and is unsuccessfully challenged by one major and several lesser opposition political parties, will probably emerge. If the DPP falls apart, then the development of a multiparty system will result.

c. Institutional Revitalization and Reorganization

The third, and least developed trend, in Taiwan's political reform program is institutional revitalization. Chiang Ching-kuo's priority in the reforms--the abolition of martial law and the legalization of political parties--has meant the deferring the sensitive questions involved with institutional reorganization. The problem of reconstituting representation in the central parliamentary bodies remains under discussion within the KMT and entails increasing the number of Legislative Yuan, Control Yuan, and National Assembly seats elected by the Taiwanese. Such an increase would satisfy Taiwanese political aspirations, while maintaining some seats for mainlanders, and preserve the KMT government's claim to be the legitimate government of all China. Because the issue of representation involves the legitimacy of the regime and the maintenance of mainland control over the principal levers of power, the KMT has not yet moved to implement this controversial aspect of the reforms.

The issue of local self-government is similar to the issue of central parliamentary representation. Under the constitution, the governor of Taiwan and the mayors of Taipei and Kaohsiung should be directly elected, but other legal provisions have enabled the central government to appoint people to these positions. The delay in implementing local self-government has stemmed from fear on the part of KMT conservatives that elections for these positions would result in DPP political victory and the loss of central government control over the two metropolises with the greatest DPP support.

Institutional reorganization has made the most progress when capable, reform-minded individuals have been appointed to implement reforms in institutions specifically targeted by Chiang Ching-kuo. Efforts to reform the Judicial Yuan under Lin Yang-kang and the KMT party structure under Li Huan have begun. Internal KMT reforms, such as electing rather than appointing party officials at lower levels, and giving KMT legislators more influence in party decisionmaking councils, while not immediately affecting the balance of power between conservatives and liberals, would increase the influence of proreform liberals, and make the KMT more responsive to popular demands.

Personnel changes have a crucial role in the future of the reform program. The KMT and government appointments made in 1987 have signaled that Chiang Ching-kuo intends to introduce gradual change into the political system through the selection of more younger, liberal-minded officials, some of whom are Taiwanese. Appointment of a new premier, changes in the leadership of the ministries dealing with the economy, and the selection of Taiwanese to head ministries traditionally led by mainlanders all would indicate that Chiang intends to intensify the reform program. The KMT 13th Party Congress, scheduled for early spring 1988, is likely to be the venue for such personnel changes. A new Central Committee and Central Standing Committee also will be elected at the Congress. A substantial change in the membership of these bodies to include

more Taiwanese and more liberal supporters of reform would indicate that the chances for continuing the reform program are good.

6. CONCLUSION: CHIANG CHING-KUO AND POLITICAL REFORM

The success of the political reform program in the short-term depends primarily on Chiang Ching-kuo. Chiang is 77 years old and in poor health. Chiang's premature demise, at a time when considerable hardline opposition to the reforms still exists, could lead to delays in the reforms, an unstable political situation, and a possible split in the KMT. Whoever succeeds Chiang is likely to head a collective leadership that would find implementing reform difficult if no consensus exists. The longer Chiang lives, the more institutionalized the reforms will be, and disagreements within the KMT will be less likely to defer or slow the reforms.

Chiang Ching-kuo plays the crucial role in neutralizing conservative opposition to the reforms from hardliners in the KMT, military, and security forces. The viability of the reform program will be greatly enhanced if Chiang succeeds in removing these hardliners from positions of power and replacing them with more moderate, reform-minded persons. In addition, if the reforms remove authoritarian legal strictures and weaken the security bodies charged with controlling dissent, the power of the military and security authorities should diminish.

Finally, the evolution of Taiwan's political system toward full constitutional democracy depends on the imagination and capability of Chiang and his supporters to design, implement, and rally popular support for the reform program. Implementing reform is difficult for the KMT because of internal divisions on devising changes in the political system without undermining the KMT's domination of that system. Reform proponents believe that the envisaged changes will leave the KMT in charge with its legitimacy intact while permitting a safe and legal outlet for dissent. While Chiang Ching-kuo remains in power setting the broad outlines of the reform program and ensuring its implementation, reforms to move Taiwan to a more democratic political system have a good chance to succeed.

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Appendix: Text of the National Security Law

Article 1

The present law is hereby enacted to safeguard national security and maintain social stability during the period of national mobilization for suppression of the Communist rebellion.

Matters for which the present law does not provide shall be governed by other relevant laws.

Article 2

No person may violate the Constitution or advocate Communism or the division of national territory in the exercise of the people's freedoms of assembly and association.

The assembly and association stated in the preceding paragraph shall be governed by laws to be enacted separately.

Article 3

For entry into and exit from the Taiwan Region, all persons shall apply for permission from the Entry and Exit Service Bureau of the National Police Administration, Ministry of the Interior. A person without permission may not enter into or depart from the Taiwan Region.

Applications for entry or exit permission may be denied if the applicants:

(1) have been sentenced under final criminal judgment to imprisonment for a definite period or to a heavier penalty but have not served or completed the term of sentence, or have been wanted by the judicial authorities, or have been otherwise denied exit permission by the civilian or military judicial authorities; or

(2) have been strongly suspected, on the basis of sufficient factual evidence, to be grave security risks to national security or social stability; or

(3) have been denied entry or exit permission pursuant to other laws.

Applicants denied such permission shall be notified in writing with reasons for denial and with directions appended regarding remedial procedures.

The Ministry of the Interior shall organize a review committee composed of, *inter alia*, generally

recognized impartial personages to review cases of denial decided pursuant to subparagraph (2), paragraph 2 of the present Article.

Article 4

The police authorities may, when necessary, conduct searches and inspections on the following persons, goods, and transports:

(1) entry and exit passengers and their belongings;

(2) entry and exit vessels, aircraft and other transports;

(3) inland vessels, rafts, aircraft and the passengers and cargo aboard;

(4) sailors, flight crews, fishermen, and other working members of the transports stated in the preceding two subparagraphs, and their belongings.

Article 5

To safeguard coastal defenses, military installations and mountain areas, the Ministry of National Defense may, in consultation with the Ministry of the Interior, designate and declare certain sea coasts, mountain areas or important military facilities as restricted zones.

All persons desiring entry into and exit from the restricted zones stated in the preceding paragraph shall apply for permission from the authorities in charge.

Within these restricted zones stated in paragraph 1, construction may be prohibited or restricted as required by military considerations, the scope of which shall be determined jointly by the Ministry of National Defense, the Ministry of the Interior, and other related agencies.

Taxes and other levies on the land on which construction is prohibited or restricted shall be reduced or exempted.

Article 6

A person who violates paragraph 1 of Article 3 by entering into or departing from the Taiwan Region without permission shall be punished with imprisonment for not more than three years, detention, and/or a fine of not more than 30,000 *yuan*.

A person who without justifiable reason refuses or evades searches or inspections conducted pursuant to Article 4 shall be punished with imprisonment for not more than six months, detention, and/or a fine of not more than 5,000 *yuan*.

Article 7

A person who without reason violates paragraph 2 of Article 5 by entering into or departing from the restricted zones without applying for

permission and refuses to leave after having been notified to do so shall be punished with imprisonment for not more than six months, detention, and/or a fine of not more than 5,000 *yuan*.

A person who violates paragraph 3 of Article 5 concerning prohibited or restricted construction and refuses to comply with instructions to cease construction shall be punished with imprisonment for not more than six months, detention, and/or a fine of not more than 5,000 *yuan*.

Article 8

Except for military personnel in active military service, no person shall be subjected to military trial.

All military personnel in active military service who have committed a criminal offence shall be prosecuted and tried by military judicial authorities unless the criminal offence committed is not provided for under the Criminal Code of the Armed Forces or other special enactments thereof but is provided for under Article 61 of the Criminal Code.

Article 9

The criminal cases regarding persons not in active military service having been tried or being tried by military courts in areas in which the *Chieh-yen* (emergency) Decree had been in effect shall be dealt with according to the following provisions after the termination of the *Chieh-yen* (emergency) Decree:

(1) Where military trial proceedings have not been completed, cases undergoing investigation shall be transferred to a competent (civilian) public prosecutor for investigation; cases undergoing trial shall be transferred to a competent (civilian) court for trial.

(2) Where criminal judgments have become final, appeal or interlocutory appeal to a competent (civilian) court shall not be allowed; however, where grounds for retrial or extraordinary appeal exist, applications for retrial or extraordinary appeal may be made pursuant to the law.

(3) Where final criminal judgments have not yet been executed, or are being executed, they shall be transferred to a competent (civilian) public prosecutor for execution under his direction.

Article 10

The enforcement regulations of the present law and the date of its coming into force shall be made and determined respectively by the Executive Yuan.